

REMARKS

The Office Action dated August 21, 2008 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-6, 8-38, 40-73, 75, 76, and 78-92 are now pending in this application. Claims 1-38, 40-73, and 75-92 stand rejected. Claims 7 and 77 have been canceled.

The rejection of Claims 1-6, 8-38, 40-73, 75, 76, and 78-92 under 35 U.S.C. § 112, first paragraph, is respectfully traversed. Specifically, the Office Action asserts that there is insufficient support the recitation of “a session identifier configured to determine if a bonus session is active based on at least one of a location of the gaming machines and a type of gaming machine” as recited in independent Claims 1, 23, and 58. Applicants respectfully traverse this assertion. Claims 1, 23, and 58 have been amended to delete the phrase “determine if a bonus session is active based on at least one of a location of the gaming machines and a type of gaming machine.”

Accordingly, Applicants submit that Claims 1, 23, and 58 satisfy the requirements of Section 112, first paragraph. Claims 2-6 and 8-22 depend from independent Claim 1. Claims 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, and 57 depend from independent Claim 23. Claims 60, 62-72, 78, 80, 81, and 92 depend from independent Claim 58.

Accordingly, for at least the reasons set forth above, Applicants respectfully request that the Section 112, first paragraph, rejection of Claims 1-38, 40-73, and 75-92 be withdrawn.

The rejection of Claims 1-6, 8-25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, 57, 58, 60, 62-72, 78, 80, 81, and 92 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,146,273 to Olsen (hereinafter referred to as “Olsen”) or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Olsen in view of U.S. Patent No. 5,655,961 to Acres (hereinafter referred to as “Acres”) are respectfully traversed.

Olsen describes a controller-based progressive gaming system that includes a controller (200) and a plurality of gaming machines (G) that are coupled together via a network (202). Controller (200) randomly chooses a bonus mode activation trigger, which when satisfied, enables a bonus mode time period. The activation trigger is a value selected between a high limit value and a low limit value. A current value is tracked in relation to the high and low limit values and to the trigger. The current value is adjusted for each new wager made by a player and/or payout made to a player. During the bonus mode time period, bonus jackpots are made to one or more eligible machines (G), wherein each bonus jackpot is paid to a random winning eligible gaming machine (G). Each time a game is played on a gaming machine (G), the gaming machine (G) generates a play start signal (S) that is delivered to the controller (200). A timer function (350) causes the bonus mode time period to time out after a predetermined time period has elapsed after the game start (S). During the bonus mode time period, the player is eligible to win a bonus jackpot. If the player does not cause the gaming machine (G) to generate another play start signal (S), the player becomes ineligible. Notably, Olsen does not describe nor suggest a player tracking database including a session identifier configured to indicate if a bonus session is active based, on whether or not the player received a bonus award from a set of bonus awards during a session.

Applicants respectfully traverse the assertions on page 4 of the Office Action with respect to Olsen that “in order for the system to function, there must inherently be some software, determining step or means to identify the players that are in the bonus session (eligible for bonus award) based on their location/type or else the system of Olsen would not be able to perform its intended purpose” and that “Olsen teaches an addressable system that gives each machine a unique identifier akin to an address which inherently corresponds to their location.” The MPEP at § 2112 recites that “[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” (Emphasis in original). Rather, “the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” (MPEP § 2112 (quoting *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Int. 1990) (emphasis in original)). Applicants respectfully submit that in the

present rejection, the assertion of inherency is not proper because the Examiner has not provided any basis in fact and/or technical reasoning to support the assertion that the recitations of the presently pending claims necessarily flow from the teachings of Olsen. Moreover, the Examiner has not provided any basis in fact and/or technical reasoning to support the assertion that Olsen inherently meets the limitations of the presently pending claims.

Only after the Examiner presents evidence and/or reasoning tending to show inherency in a reference appearing to be substantially identical to the claimed invention does the burden shift to the Applicant to show an unobvious difference. MPEP § 2112. However, Applicants respectfully submit that Olsen does not describe nor suggest the allegedly inherent teachings. More specifically, Olsen describes at column 13, lines 28-36 that each gaming machine includes a DIP switch that provides a unique code used to identify the gaming machine to a bonus controller. However, the unique code is merely an identifier of the gaming machine that is provided to the controller in order to identify the machine from which a message is received and to which a message is destined, but such identifiers do not act as a locator of the gaming machine. As such, it is not inherent that the unique identifier of each gaming machine corresponds to a location of the gaming machine. Accordingly, Olsen does not describe nor suggest a session identifier configured to determine if a bonus session is active based on a location of the gaming machine and/or a type of the gaming machine.

Acres describes a method 550 embodied in software that is executed by floor controllers in a system 10. The floor controllers are responsible for activating or deactivating a bonusing for the individual machines connected thereto. System 10 allows a floor controller to have multiple bonus pools and to have certain machines associated with a given bonus pool. Thus, the floor controller can implement multiple bonusing promotions simultaneously. Notably, Acres does not describe nor suggest a player tracking database including a session identifier configured to indicate if a bonus session is active based on whether or not the player has received a bonus award during a session.

Claim 1 recites a system for awarding a random bonus award, wherein the system comprises “a player tracking database comprising a session identifier configured to indicate if

a bonus session is active based on whether or not the player has received a bonus award from the set of bonus awards during a session . . . a selector configured to select a bonus award at random from the set of bonus awards if the session identifier indicates that the bonus session is active....”

No combination of Olsen and Acres, describes nor suggest a system for awarding a random bonus award, as is recited in Claim 1. More specifically, no combination of Olsen and Acres, describes nor suggests a player tracking database including a session identifier that is configured to indicate if a bonus session is active based on whether or not the player received a bonus award from a set of bonus awards during a session and a selector configured to select a bonus award at random from a set of bonus awards if the session identifier indicates that the bonus session is active. Rather, Olsen describes a gaming machine that, at the start of each play, generates a play start signal that causes a bonus mode time period to begin, wherein during the bonus mode time period, the player is eligible to win a bonus jackpot, and wherein the player becomes ineligible if the player does not cause the gaming machine to generate another play start signal before the end of the bonus mode time period, and Acres describes floor controllers that activate or deactivate bonusing for individual machines connected thereto.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Olsen, or in the alternative, over Olsen in view of Acres.

Claims 2-6 and 8-22 depend from independent Claim 1. When the recitations of Claims 2-6 and 8-22 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-6 and 8-22 likewise are patentable over Olsen, or in the alternative, over Olsen in view of Acres.

Claim 23 recites a method for awarding a random bonus award, wherein the method comprises “determining that a bonus session is active based on whether or not the player has received a bonus award from the set of bonus awards during a session . . . selecting a bonus award at random from a set of bonus awards including at least two bonus awards if the bonus session is determined to be active....”

No combination of Olsen and Acres, describes nor suggests a method for awarding a random bonus award, as is recited in Claim 23. More specifically, no combination Olsen and Acres describe or suggest determining that a bonus session is active based on whether or not a player has received a bonus award from a set of bonus awards during a session and selecting a bonus award at random from a set of bonus awards including at least two bonus awards if the bonus session is determined to be active. Rather, Olsen describes a gaming machine that, at the start of each play, generates a play start signal that causes a bonus mode time period to begin, wherein during the bonus mode time period, the player is eligible to win a bonus jackpot, and wherein the player becomes ineligible if the player does not cause the gaming machine to generate another play start signal before the end of the bonus mode time period, and Acres describes floor controllers that activate or deactivate bonusing for individual machines connected thereto.

Accordingly, for at least the reasons set forth above, Claim 23 is submitted to be patentable over Olsen, or in the alternative, over Olsen in view of Acres.

Claims 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, and 57 depend from independent Claim 23. When the recitations of Claims 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, and 57 are considered in combination with the recitations of Claim 23, Applicants submit that dependent Claims 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, and 57 likewise are patentable over Olsen, or in the alternative, over Olsen in view of Acres.

Claim 58 recites a computer-readable medium containing a program to award a random bonus award, wherein the computer-readable medium comprises “software to determine whether a bonus session is active based on whether or not the player has received a bonus award from a set of bonus awards during a session . . . software to select a bonus award at random from a set of bonus awards if the bonus session is active....”

No combination of Olsen and Acres describes nor suggests a program to award a random bonus award, as is recited in Claim 58. More specifically, no combination of Olsen and Acres describes nor suggests software to determine whether a bonus session is active based on whether or not a player has received a bonus award from a set of bonus awards

during a session and software to select a bonus award at random from a set of bonus awards if the bonus session is active. Rather, Olsen describes a gaming machine that, at the start of each play, generates a play start signal that causes a bonus mode time period to begin, wherein during the bonus mode time period the player is eligible to win a bonus jackpot, and wherein the player becomes ineligible if the player does not cause the gaming machine to generate another play start signal before the end of the bonus mode time period, and Acres describes floor controllers that are responsible for activating or deactivating a bonusing for individual machines connected thereto.

Accordingly, for at least the reasons set forth above, Claim 58 is submitted to be patentable over Olsen, or in the alternative, over Olsen in view of Acres.

Claims 60, 62-72, 78, 80, 81, and 92 depend from independent Claim 58. When the recitations of Claims 60, 62-72, 78, 80, 81, and 92 are considered in combination with the recitations of Claim 58, Applicants submit that dependent Claims 60, 62-72, 78, 80, 81, and 92 likewise are patentable over Olsen, or in the alternative, over Olsen in view of Acres.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 and 103 rejections of Claims 1-23, 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, 57, 58, 60, 62-72, 78, 80, 81, and 92 be withdrawn.

The rejection of Claims 24, 26, 38, 40, 41, 44, 47, 55, 56, 59, 61, 73, 75, 76, 79, 82, 90, and 91 under 35 U.S.C. § 103(a) as being unpatentable over Olsen or Acres in view of U.S. Patent Publication No. 2002/0187834 to Rowe, et al. (hereinafter referred to as "Rowe") is respectfully traversed.

Olsen and Acres are describe above. Rowe describes a system (40) for monitoring game play, wherein system (40) includes a host (44) that stores, manipulates, and/or displays collected data. Game play information is used to update a player profile with play and/or reward information, for example. Player activities may also be associated with points that are accumulated according to, for example, the type of game played, a length of play, and/or an amount of money won or lost by the player.

Claim 23 is recited above

No combination of Olsen, Acres, and Rowe, describes nor suggests a method for awarding a random bonus award, as is recited in Claim 23. More specifically, no combination of Olsen, Acres, and Rowe, describes nor suggests a method that includes determining that a bonus session is active based on whether or not a player has received a bonus award from a set of bonus awards during a session and selecting a bonus award at random from a set of bonus awards including at least two bonus awards if the bonus session is determined to be active. Rather, Olsen describes a gaming machine that, at the start of each play, generates a play start signal that causes a bonus mode time period to begin, wherein during the bonus mode time period the player is eligible to win a bonus jackpot, and wherein the player becomes ineligible if the player does not cause the gaming machine to generate another play start signal before the end of the bonus mode time period, and Acres describes floor controllers that are responsible for activating or deactivating a bonusing for individual machines connected thereto, and Rowe describes a system for use in monitoring player activities, thereby enabling the system to award points to a player profile based on the player activities.

Accordingly, for at least the reasons set forth above, Claim 23 is submitted to be patentable over Olsen or Acres in view of Rowe.

Claims 24, 26, 38, 40, 41, 44, 47, 55, and 56 depend from independent Claim 23. When the recitations of Claims 24, 26, 38, 40, 41, 44, 47, 55, and 56 are considered in combination with the recitations of Claim 23, Applicants submit that dependent Claims 24, 26, 38, 40, 41, 44, 47, 55, and 56 likewise are patentable over Olsen or Acres in view of Rowe.

Claim 58 is recited above.

No combination of Olsen, Acres, and Rowe, describes nor suggests a program to award a random bonus award, as is recited in Claim 58. More specifically, no combination of Olsen, Acres, and Rowe, describes nor suggests software to determine whether a bonus

session is active based on whether or not a player has received a bonus award from a set of bonus awards during a session and software to select a bonus award at random from a set of bonus awards if the bonus session is active. Rather, Olsen describes a gaming machine that, at the start of each play, generates a play start signal that causes a bonus mode time period to begin, wherein during the bonus mode time period the player is eligible to win a bonus jackpot, and wherein the player becomes ineligible if the player does not cause the gaming machine to generate another play start signal before the end of the bonus mode time period, and Acres describes floor controllers that are responsible for activating or deactivating a bonusing for individual machines connected thereto, and Rowe describes a system for use in monitoring player activities, thereby enabling the system to award points to a player profile based on the player activities.

Accordingly, for at least the reasons set forth above, Claim 58 is submitted to be patentable over Olsen or Acres in view of Rowe.

Claims 59, 61, 73, 75, 76, 79, 82, 90, and 91 depend from independent Claim 58. When the recitations of Claims 59, 61, 73, 75, 76, 79, 82, 90, and 91 are considered in combination with the recitations of Claim 58, Applicants submit that dependent Claims 59, 61, 73, 75, 76, 79, 82, 90, and 91 likewise are patentable over Olsen or Acres in view of Rowe.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 24, 26, 38, 40, 41, 44, 47, 55, 56, 59, 61, 73, 75, 76, 79, 82, 90, and 91 be withdrawn.

The rejection of Claims 50 and 85 under 35 U.S.C. § 103(a) as being unpatentable over Olsen or Acres in view of U.S. Patent Publication No. 2002/0042294 to Pau, et al. (hereinafter referred to as "Pau") is respectfully traversed.

Olsen and Acres are describe above. Pau describes a game machine (10) that includes a video display unit (14) that displays to the player a choice of two or more prize sets, from which a prize is randomly drawn. The prize sets are presented on segments of wheels (50,

52, and 54) that simulate spinning before stopping randomly on a segment that defines the prize outcome won by the player.

Claim 23 is recited above.

No combination of Olsen, Acres, and Pau, describes nor suggests a method for awarding a random bonus award, as is recited in Claim 23. More specifically, no combination of Olsen, Acres, and Pau, describes nor suggests a method that includes determining that a bonus session is active based on whether or not a player received a bonus award from a set of bonus awards during a session and selecting a bonus award at random from a set of bonus awards including at least two bonus awards if the bonus session is determined to be active. Rather, Olsen describes a gaming machine that, at the start of each play, generates a play start signal that causes a bonus mode time period to begin, wherein during the bonus mode time period the player is eligible to win a bonus jackpot, and wherein the player becomes ineligible if the player does not cause the gaming machine to generate another play start signal before the end of the bonus mode time period, and Acres describes floor controllers that are responsible for activate or deactivate bonusing for individual machines connected thereto, and Pau merely describes presenting prize sets on a series of wheels that simulate spinning before stopping randomly on a segment that defines the prize outcome won by a player.

Accordingly, for at least the reasons set forth above, Claim 23 is submitted to be patentable over Olsen or Acres in view of Pau.

Claim 50 depends from independent Claim 23. When the recitations of Claim 50 are considered in combination with the recitations of Claim 23, Applicants submit that dependent Claim 50 likewise is patentable over Olsen or Acres in view of Pau.

Claim 58 is recited above.

No combination of Olsen, Acres, and Pau, describes nor suggests a program to award a random bonus award, as is recited in Claim 58. More specifically, no combination of Olsen, Acres, and Pau, describes nor suggests software to determine whether a bonus session

is active based on whether or not a player has received a bonus award from a set of bonus awards during a session and software to select a bonus award at random from a set of bonus awards if the bonus session is active. Rather, Olsen describes a gaming machine that, at the start of each play, generates a play start signal that causes a bonus mode time period to begin, wherein during the bonus mode time period the player is eligible to win a bonus jackpot, and wherein the player becomes ineligible if the player does not cause the gaming machine to generate another play start signal before the end of the bonus mode time period, and Acres describes floor controllers that are responsible for activating or deactivating a bonusing for individual machines connected thereto, and Pau merely describes presenting prize sets via a series of wheels that simulate spinning before stopping randomly on a segment that defines the prize outcome won by a player.

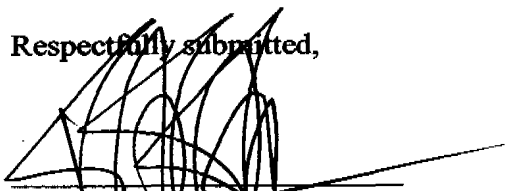
Accordingly, for at least the reasons set forth above, Claim 58 is submitted to be patentable over Olsen or Acres in view of Pau.

Claim 85 depends from independent Claim 58. When the recitations of Claim 85 are considered in combination with the recitations of Claim 58, Applicants submit that dependent Claim 85 likewise is patentable over Olsen or Acres in view of Pau.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 50 and 85 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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